

EXHIBIT J

**R. Higgins e-mail correspondence to R. Kraft, attaching thereto a letter from Mr. Higgin
to Mr. Kraft, dated June 25, 2021**

Roger Higgins

From: Roger Higgins
Sent: Friday, June 25, 2021 9:49 AM
To: rk@kraft.legal; Ingrid.Aronson@Kraft.Legal
Cc: ryan.roman@akerman.com
Subject: Kraft v. Chevron Corp. et al., Case No. 2:21-cv-00575-DJH (the "Arizona Litigation").
Attachments: 2021-6-25_Ltr_Kraft_AZ_Lit_FINAL.pdf

Mr. Kraft:

Please find attached my letter requesting that you file the appropriate pleading or pleadings to dismiss my client, W. R. Grace & Co., and any and all affiliates with prejudice from the litigation captioned *Kraft v. Chevron Corp. et al.*, Case No. 2:21-cv-00575-DJH.

I look forward to your confirming no later than July 2, 2021, that you will file the appropriate pleading or pleadings no later than July 7, 2021.

Please do not hesitate to contact me if you have any questions.

Warmest Regards. R

Roger J. Higgins
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June 25, 2021

VIA E-MAIL (rk@kraft.legal)

Rune Kraft
Kraft Legal | United States
108 West 13th Street
Wilmington, Delaware 19801
Telephone: 302 408 1000
Email: rk@kraft.legal

Dear Mr. Kraft:

I am outside bankruptcy counsel to W. R. Grace & Co. ("Grace"). On May 24, 2021, Grace executed a waiver of service regarding a complaint (the "Complaint") naming Grace as a defendant in the matter pending in the United States District Court for the District of Arizona, Phoenix Division (the "Arizona District Court") captioned *Kraft v. Chevron Corp. et al.*, Case No. 2:21-cv-00575-DJH (the "Arizona Litigation"). In the communication executing the waiver of service, counsel for Grace, Ryan Roman (who is cc'd on this letter) requested, and was granted, an extension of time until July 23, 2021, for Grace to "move, answer or otherwise respond to the Complaint."

Grace has now had an opportunity to analyze the Complaint. As discussed in this letter, Grace has determined that your filing of the Complaint has violated an order of the United States Bankruptcy Court for the District of Delaware (the "Delaware Bankruptcy Court"). By this letter, I am requesting that you respond in writing **no later than 4:00 pm, ET, July 2, 2021**, stating that you will file **no later than 4:00 pm, ET, July 7, 2021**, an appropriate pleading or pleadings in the Arizona Litigation requesting the Arizona District Court enter an order dismissing Grace with prejudice from that litigation (the "Dismissal Pleading").

In particular, please be advised that the confirmed and consummated *First Amended Joint Plan of Reorganization Under Chapter 11 of the Bankruptcy Code of W. R. Grace & Co., et al., the Official Committee of Asbestos Personal Injury Claimants, the Asbestos PI Future Claimants' Representative, and the Official Committee of Equity Security Holders as Modified Through December 23, 2010* [Docket No. 26368] (the "Plan") precludes and bars claimants with claims arising between April 2, 2001, and February 3, 2014, (defined in the Plan as the "Administrative Expense Claims") from, *inter alia*, asserting any such Administrative Expense Claims in any forum, "whether or not the facts of or legal bases therefor were known or existed prior to the Effective Date," once the "Administrative Claims Bar Date" (as defined in the Plan) had passed.¹ The "Confirmation Order," which comprises the *Recommended Findings of Fact, Conclusions of Law and Order Regarding Confirmation of First Amended Joint Plan of Reorganization as Modified Through December 23, 2010*, dated January 31, 2011 [Docket No.

¹ Docket numbers refer to the bankruptcy case filed in the United States Bankruptcy Court for the District of Delaware, captioned *In re W. R. Grace & Co., et al.*, Case No. 01 01139 (AMC).

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26155], and the *Order Clarifying Memorandum Opinion and Order Confirming Joint Plan as Amended Through December 23, 2010*, dated February 15, 2011 [Docket No. 26289], similarly precludes and bars claimants from asserting any such Administrative Expense Claims after the Administrative Expense Claims Bar Date in any forum.

On February 3, 2014 (the “Effective Date”), the Plan was consummated. *See Notice of Occurrence of The Effective Date of The First Amended Joint Plan of Reorganization Under Chapter 11 of The Bankruptcy Code of W. R. Grace and Co., et al, the Official Committee of Asbestos Personal Injury Claimants, the Asbestos PI Future Claimants’ Representative, and the Official Committee of Equity Security Holders As Modified Through December 23, 2010*, dated February 13, 2014 [Docket No. 31732] (the “Effective Date Notice”). The Effective Date Notice set an Administrative Claims Bar Date of May 5, 2014.

According to the Complaint, Grace is named as a defendant due to an alleged transaction occurring on or about December 2006. Grace’s records indicate that you did not file an Administrative Expense Claim prior to the Administrative Claims Bar Date. This alleged transaction is therefore an Administrative Expense Claim that is barred by the Plan and the Confirmation Order. This means that you violated the Confirmation Order when you filed the Complaint naming Grace as a defendant.

Please be further advised that, if you do not notify me in writing **no later than 4:00 pm, ET, July 2, 2021**, that you will file a Dismissal Pleading **no later than 4:00 pm, ET, July 7, 2021**, or if you take any other steps in the Arizona Litigation involving Grace (other than filing the Dismissal Pleading) on or after the date of this letter, Grace reserves its right to file a motion in the Bankruptcy Court to enforce the relevant provisions of the Confirmation Order. Grace further reserves its right to request the Bankruptcy Court find you in civil contempt for any such failure to promptly dismiss the Arizona Litigation as to Grace or for undertaking any other action in the Arizona Litigation against Grace other than seeking such dismissal with prejudice. Finally, Grace reserves the right to seek entry of an order by the Bankruptcy Court imposing sanctions on you for any such violations of the Confirmation Order, including but not limited to attorneys’ fees and other expenses arising from Grace’s enforcement of the Confirmation Order. *See In re Continental Airlines, Inc.*, 236 B.R. 318 (Bankr. D. Del. 1999) (imposing sanctions for civil contempt in violation of a chapter 11 plan confirmation order).

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Please confirm to me in writing **no later than 4:00 pm, ET, July 2, 2021**, that you will file a Dismissal Pleading **no later than 4:00 pm, ET, July 7, 2021**.

Sincerely yours,

A handwritten signature in blue ink, appearing to read "Roger Higgins". The signature is stylized with a large initial "R" and "H".

Roger J. Higgins

cc: Ingrid Aronson (via e-mail at
Ingrid.Aronson@Kraft.Legal)
Ryan Roman (via e-mail at
ryan.roman@akerman.com)